

EXHIBIT 15
Part 6 of 7

Mapes, I wrote the following:

Become a Good Writer

Sit in the sight of the bright sunlight,
Don't hesitate, just meditate and contemplate.
Above all, have no hate,
For this is the day to speculate.
From your soul the words will flow,
All is right and your future is bright,
That all may delight as you write.

DATE: February 19, 2003

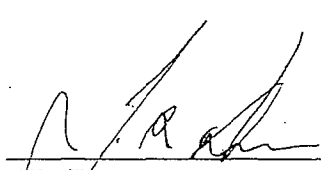
FOR: Hernandez, Hector
D-33689 ZW-317U

To whom it concerns,

Inmate Hernandez (D-33689) has been speaking to the Re-Entry class on a monthly basis now for a period somewhat exceeding six (6) months. He is a member of an inmate organization that calls itself "Straight From The Heart," and comes into the class with a message of concern for the paroling students. Mr. Hernandez is a "lifer," as are all of the members of "Straight From The Heart," and are concerned that others don't fall into the same lifestyle and commit the acts that will eventually lead to a life of incarceration. He and his peers speak against violence, drug abuse, and gang affiliation. This service is performed for no compensation of any kind, and is provided straight from the hearts of the participants.

Mr. Hernandez is to be commended for his efforts in this area, and would possibly be a good candidate for future employment in the area of youth/drug counseling when he is released. The service he provides for this program is invaluable and always well received by the students.

Inmate Hernandez has in no way attempted to manipulate me into writing this letter, and this has been written in earnest.



J.R. Hill, Instructor
Re-Entry Program
Correctional Training Facility

NAME and NUMBER HERNANDEZ

D-333689

FAB2 133 L

CDC-128-B (REV. 4/74)

Inmate Hernandez D-333689 has been a regular participant in the Arts-In-Corrections Program for the past year. He has conducted himself responsibly and has been a great asset to our Creative Writing Class.

He works very well with inmates and staff and maintains a positive attitude at all times.

I feel that inmate Hernandez D-333689 is highly employable as an artist and would have no problem finding a place in society.

I would like to thank you in advance for your sincere cooperation and consideration.

DATE 2-13-97



HENRY MENDOZA
ARTIST/FACILITATOR
ARTS-IN-CORRECTIONS
NORTH KERN STATE PRISON

GENERAL CHRONO

NAME and NUMBER: HERNANDEZ D-333689

CDC 128-C

The above named inmate has actively participated in a weekly, (8) week course in Chemical Dependency facilitated by a Clinical Social Worker at NKSP.

DATE: August 20, 1997



Alice Lebron, LCSW

EXHIBIT

"14"

D 33689 ED 72 Up
PO Box 689
Soledad, CA 93960-0689

June 15, 2005

Dear Sir,

If you could grant me a moment of your time, I am confident that I can win your support to not only help me, but help many others who need and could use my help.

I've been incarcerated since August 15, 1985, for 2nd degree murder with the use of a firearm. My minimum eligible parole date occurred on April 15, 1996. I will be appearing before the Board of Prison Terms (BPT) for my 7th hearing within the next 6 months.

My past history of crime, violence and drug addiction is very dark indeed. It is something I am able and willing to discuss a little further; yet it is something I wish to do only for the prevention and intervention of such ills.

In an effort to prove my suitability for parole, I am presenting a brief autobiography of myself to give you an idea of the kind of person I was, the person I have matured into, and how I plan to live the rest of my life.

I honestly believe I have done what it takes to heal and correct myself so that I could be a person of service to my Higher Power and others, i.e., my family, the community, and my country.

I have always wanted to live a better life. Back in 1985, right from the start of my incarceration, when I was sober and reality slapped me right in the face and opened my eyes, I knew I had to have a complete life change. Ever since then, I have endeavored to transform my life for the good. I did my very best through prayer, meditation, reading and disciplining myself. As with many others in this same situation, my greatest goal and highest quest was the search for God, and all it entails in order to live the best life possible.

In 1991, I started studying and practicing religious science of mind. Through it I gained a greater sense of inclusive spirituality. At that time, I also went back to

SUPPORT LETTER OF
H. HERNANDEZ
page 2.

Christianity (Protestant as well as Catholic). In 1995, I began practicing Native American spiritual purification traditions. That was also when I began participating in the new 12 step group. In 2003, I began attending Buddhist Meditation classes where I learned how to live more skillfully and the practice of Metta or loving kindness towards all.

Throughout this time, I have read numerous books, magazines, and articles dealing with issues ranging from health and fitness to healing and recovery, from self-help psychology to to religion.

Through the various writing courses offered by the Arts in Corrections program, I have collected my thoughts and wrote about my experiences. I have used these writings to reach out to others at various times, some of which I have included for your perusal.

There were some extremely difficult times filled with loneliness and despair over what my life had become. I experienced financial hardship and depravation. Yet despite those dark moments, thanks to my Higher Power, the God of my understanding, I managed to stay clear from crime, gangs, drugs, destructive or negative groups and individuals while maintaining my sobriety for the last 14 years. I also sought out new friends and a new spiritual support family in order to live a complete new way of life. Seeking to improve myself remains my greatest focus even as I continue to expand my support family.

With regard to my employment skills and experience, I have always been a self-motivated and hard worker. I have held jobs ranging from newspaper delivery, to gardening and landscaping, farm laborer, factory lines and welding. My main problem was maintaining work for extended periods of time. I have for the last 20 years focused on maintaining every job I held, developing good relations with my employers and co-workers, and to be dependable, responsible, and trustworthy.

I have enhanced my trade skills with certification in mill and cabinet work where I also worked as a teacher's assistant. I gained experience as a textiles line worker, boiler room attendant, academic tutor, relapse prevention tutor/facilitator, graphic arts, and furniture assembler.

Now I realize I could benefit from more education and training for other specified fields of work. And I am not certain of the exact work I would like to do. Nevertheless,

SUPPORT LETTER OF
H. HERNANDEZ
page 3.

I am sincerely dedicated to accomplishing any constructive, productive, healing and recovery endeavours.

I am just like any other American who dreams and wishes to live in peace with the freedom and opportunity to earn an honest living to provide a better life for my children and grandchildren.

Now, I know I am not perfect and will ever seek improvement. Yet who I am now in comparison to what I was, is nothing less than a miracle attributed to the Higher Power (God). I can honestly say my prayers have been answered and my life is changed.

I have also had the good fortune to receive the invaluable help of former addicts and some exceptional people who I owe a debt of gratitude to. I also served in the recovery of others by being there to share my experience, to volunteer my time to speak and participate in support groups, and to talk one-to-one when I was able to. By being of service to others, I experienced the power it has in maintaining my own sanity and sobriety, not to mention the whole new purpose and meaning of life in doing such deeds has given to my own life. I have no need to be coerced into participating in such programs and endeavours because I have a natural desire to do so, in other words, it is my life.

Ever since I began this quest for a new life, I knew I would have to do it for the right reason, basically, for God. I wasn't trying to look good or impress anyone.

But now I must present myself once again to the BPT to show that I am suitable for parole. Therefore, I am sharing my life story in order to make this humble request for a letter of support that I can present to the BPT. It is a letter stating that you would endorse my parole and assist me in the transition toward becoming a productive and valued member of the community. The support can come in the way of assistance with living arrangements, help finding a job, transportation needs, clothing, counseling, and any other way of making my return to society better for all.

I gratefully appreciate any consideration that you could provide for this request.

Sincerely,

7-6-05

Hector Hernandez

Hector Hernandez

EXHIBIT "15"

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER DECISION FACE SHEET

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR MO DA

Adjusted Period of Confinement

Date Life Term Begins +

At Large Time +

PAROLE DATE =

MISCELLANEOUS

Panel recommendations and requests:

_____ Become X Remain disciplinary free.
 _____ Work towards reducing his/her custody level.
 _____ Upgrade _____ educationally.
X Participate in X counseling (and) X therapy.
 _____ Transfer to _____ Cat. X _____ Cat. T.

*Parole denied 2 years*PENAL CODE SECTION 3042 NOTICES ☒ SENT (Date) 2/28/95

COMMITMENT OFFENSE

PC 187

(Code Section)

Murder 2ND Degree

(Title)

336275-3

(Case Number)

1

(Count Number)

Date Received by CDC

7-7-86

Date Life Term Begins

7-7-86

Controlling MEPD

4-5-96

Type of Hearing

☒ INITIAL ☐ SUBSEQUENT (Hearing No.) _____

If Subsequent Hearing, Date of Last Hearing

Department Representative

Assistant C&PR S.A. Williams

Counsel for Prisoner

None

Address

District Attorney Representative

Don Penner

County

Fresno

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

By:

Presiding (Name)	<i>Joe H. Piller</i>	Date	<i>5/</i>
Concurring (Name)	<i>[Signature]</i>	Date	<i>22/</i>
Concurring (Name)	<i>[Signature]</i>	Date	<i>95</i>

NAME

HERNANDEZ, HECTOR

CDC NUMBER

D33689

INSTITUTION

NKSP

CALENDAR

5/95

HEARING DATE

5/22/95

PERMANENT ADDEI

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

PRESIDING DEPUTY COMMISSIONER PLILER: All

right, we are back on the record. Those previously here have reconvened. Mr. Hernandez, it is a unanimous decision on the part of the panel after having reviewed the information from the public and relied on the following circumstances in concluding that you are not suitable for parole, and you would pose an unreasonable risk of dangerous to others and a threat to the public if you were released from prison at this time for the following reasons:

The offense was carried out in an especially heinous, atrocious, cruel and callous manner which exhibited a callous disregard for the life and suffering of another human being. The offense was carried out in a dispassionate and calculated manner. These conclusions are drawn from the statement of facts wherein you shot and killed a victim at close range with a sawed off shotgun while conducting a drug transaction. You have a prior record of violence and assaultive behavior, exhibiting an escalating pattern of criminal conduct and violence. You have a persistent pattern of tumultuous relationships and criminal behavior which commenced at an early age. It started at a juvenile history, began at a very early

HECTOR HERNANDEZ D-33689 DECISION PAGE 1 5/22/95

1 age, with convictions for burglary and petty thefts,
2 concealed weapons, et cetera. You have failed
3 previous grants at probation. You have failed to
4 profit from society's previous attempt to correct your
5 criminalities. Such attempts have included juvenile
6 probation, juvenile camp, CYA commitment, county jail.
7 You have an unstable social history and prior
8 criminality which includes numerous juvenile arrests
9 including burglary, petty theft, possession of a
10 concealed firearm, drug abuse, assault with a deadly
11 weapon, robbery, armed robbery, concealing a fugitive,
12 finally culminating in the life crime.

13 Institutional behavior. You have failed to
14 demonstrate evidence of positive change. Misconduct
15 while incarcerated includes stealing State food,
16 possession of non-expendable property, possession of
17 manufactured alcohol, and possession of dangerous
18 contraband.

19 The psychiatric/psychological report dated
20 January the 9th, 1995 authored by Dr. Reed is
21 inconclusive, indicating that you need to have a
22 stronger and greater sense of the self help recovery
23 programs that you are participating in because you
24 understand neither the goals nor objectives of these
25 various programs. Likewise, the psychological exam
26 prepared 9/13/89 by Dr. Martin is also inconclusive

1 and states basically the same reasons as Dr. Reed.

2 Other information bearing upon your
3 unsuitability: You have an escalating pattern of
4 criminal misconduct starting with burglary,
5 progression to armed robberies, assault with a deadly
6 weapon culminating in the senseless murder of the
7 victim with a sawed off shotgun.

8 The panel makes the following findings: Your
9 gains are recent. You must demonstrate an ability to
10 maintain gains over an extended period of time. In
11 view of your assaultive history, your continued
12 negative behavior, and lack of program participation,
13 there is no indication that you would behave
14 differently if paroled. Nevertheless, you should be
15 commended for participating in vocation mill and
16 cabinet, Alcoholic Anonymous, and maintaining a clean
17 disciplinary record since October the 10th, 1992.
18 However, these positive aspects and your behavior do
19 not outweigh the factors of unsuitability.

20 The denial, Mr. Hernandez, is for a period of
21 two years. The hearing panel finds that it is not
22 reasonable to expect that parole would be granted at a
23 hearing during the following two years for the
24 following specific reasons: You committed the offense
25 in an especially heinous, cruel, and atrocious manner
26 in that you had shot and killed the victim with a

1 sawed off shotgun while engaged in a drug transaction.
2 And as a result, a longer period of observation and
3 evaluation is required before the Board can set a
4 parole date.

5 Additionally, a longer period of time is
6 required to evaluate your suitability in view of your
7 long history of criminality and misconduct, including
8 multiple convictions for burglary, robbery, weapons
9 possession, drug abuse, and finally the life crime.
10 The recent psychological/psychiatric report by Dr.
11 Reed dated 1/9/95 indicates a need for a longer period
12 of observation and evaluation and treatment.

13 The panel makes the following recommendations
14 to you: One is that you continue to remain
15 disciplinary free. That you continue to upgrade
16 vocationally. That you participate in self help and
17 therapy programming.

18 And I will give you a copy of our tentative
19 decision today as I indicated earlier. This decision
20 will not become effective until approximately 90 days
21 at which time you will receive your notice from
22 Sacramento. At that time you have 90 days from that
23 date to file an appeal.

24 Does the panel have any comments? Mr. Koenig?

25 COMMISSIONER KOENIG: No, I don't have any.

26 COMMISSIONER GIAQUINTO: Good luck to you.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 5/22/95

40

1 PRESIDING DEPUTY COMMISSIONER PLILER: Keep up
2 the set program as you are doing a good job so far.

3 INMATE HERNANDEZ: All right. Thank you.
4 I'll try again.

5 PRESIDING DEPUTY COMMISSIONER PLILER: This
6 concludes the hearing. The time is fifteen after
7 2:00.

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25 PAROLE DENIED TWO YEARS

OCT 0 6 1995

26 EFFECTIVE DATE OF THIS DECISION _____

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 5/22/95

EXHIBIT "16"

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER DECISION FACE SHEET

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR

MO

DA

Adjusted Period of Confinement

Date Life Term Begins

+

At Large Time

+

PAROLE DATE

=

MISCELLANEOUS

Denied 2 years remain disciplinary free
 upgrade Vocationally & Educationally
 Participate in self help & therapy programming

PENAL CODE SECTION 3042 NOTICES ☐ SENT (Date)

COMMITMENT OFFENSE:

P187 W/P12022.5

(Code Section)

MURDER 2ND USE OF FIREARM (GUN)

(Title)

FRE 336275-3

(Case Number)

01

(Count Number)

Date Received by CDC

7-7-86

Date Life Term Begins:

7-7-86

Controlling MEPD

4-5-96

Type of Hearing

☐ INITIAL☒ SUBSEQUENT (Hearing No.)

1

If Subsequent Hearing, Date of Last Hearing
5-22-95

Department Representative

GREG COOK, ASST C&PR

Counsel for Prisoner

DIANE LUSHBOUGH

Address

P.O. BOX 1736, CLOVIS, CA 93613

District Attorney Representative

NONE

County

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

By:

Presiding (Name)

Arthur F. Van Court

Date

7/

Concurring (Name)

[Signature]

Date

22/

Concurring (Name)

[Signature]

Date

97

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
HERNANDEZ, HECTOR	D-33689	NKSP	7/97	7-22-97

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

PRESIDING COMMISSIONER VAN COURT: Mr.

Hernandez, the Panel reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society and a threat to public safety if released from prison. The sentence was carried out in an especially cruel and callous manner. The offense was carried out in a dispassionate and calculated manner. These conclusions are drawn from the Statement of Facts where the prisoner went to the victim's residence to get some heroin, ended up kicking open the door, and had stated, "Give me the gun and give me the chiva," or heroin, and then shot and killed the victim. The prisoner has a record of violence and assaultive behavior, an escalating pattern of criminal conduct and violence, a persistent pattern of tumultuous relationships and criminal behavior which commenced at an early age, an unstable social history, he failed to profit from society's previous attempts to correct his criminality. Such attempts included juvenile probation, CYA commitment, and juvenile camp. An unstable social history and prior criminality which included, but is not limited

1 to at least 17 arrests as a juvenile for everything
2 from grand theft to burglary to assault with a deadly
3 weapon to possession of heroin, possession of a
4 controlled substance, resisting arrest and petty
5 theft, to mention a few. The prisoner has failed to
6 demonstrate evidence of a positive change. Misconduct
7 while incarcerated includes six CDC 115s, 12 128As.
8 However, he does have his classification score down to
9 2. And the psychological, psychiatric report dated
10 April 25th, 1997 by Dr. R. Hall, Ph.D., is not totally
11 supportive. It -- just a second -- in Conclusions and
12 Recommendations, it says, "Inmate Hernandez has a long
13 history of polysubstance abuse and has explored AA
14 groups four months prior to incarceration. Since his
15 incarceration, 7-7-86, Inmate Hernandez has received
16 six CDC 115s and 12 128As to (inaudible) counseling
17 disciplinary. He received numerous laudatory chronos
18 and appears to be programming quite well. Inmate
19 Hernandez chose not to discuss the instant offense,
20 but appeared to be grappling with the deviant
21 behavior. Issues were raised with the inmate in hopes
22 he will avail himself of various psychotherapy groups
23 offered at prison. It is imperative that Inmate
24 Hernandez remain disciplinary free henceforth and
25 continue with his programming. Since his commitment
26 offense involved drug abuse, Inmate Hernandez is

1 encouraged to participate in AA programs and move
2 through the Twelve Steps, possibly staying with the
3 program the rest of his life. Inmate Hernandez was
4 given the name of a staff psychiatric social worker
5 who conducts alcohol abuse programs at NKSP. He is
6 encouraged to participate in this program concurrently
7 with the AA program. The results of Inmate Hernandez
8 TABE testing indicates academic achievement well above
9 the average inmate in general population. He is
10 encouraged to further his vocational skills, gaining
11 certification in multiple disciplines. Inmate
12 Hernandez should take as many self-help programs as
13 possible currently offered at this prison. Focusing
14 on criminal thinking, dealing with the depression,
15 alcohol and substance abuse and process groups. A
16 condition of parole should clearly include AA, drug
17 testing and self-help psychotherapy groups. The --
18 and that was written by Dr. R. Hall, Ph.D." The
19 prisoner needs therapy in order to gain insight on why
20 he committed the crime. Nevertheless, the prisoner
21 should be commended for being disciplinary free --
22 (end of recording on tape 1 of 2, side a. Tape 2 of
23 2, side a:) The prisoner is denied parole for a
24 period of two years. The Hearing Panel finds that
25 it's not reasonable to expect that parole would be
26 granted at a hearing during the following two years.

1 The specific reasons are as follows, and that's -- of
2 course is the crime itself. The prisoner committed
3 the offense in an especially cruel and class manner.
4 Specifically he went to a drug dealer's house with the
5 idea of getting some heroin. But, of course, he was
6 armed with a shotgun and without further ado shot and
7 killed the drug dealer when he kicked the door open.
8 As a result of, a longer period of observation and
9 evaluation is required before the Board should set a
10 parole date. The prisoner has not completed necessary
11 programming, which is essential. We want you to get
12 back and learn all Twelve Steps. Learn them all and
13 stay very active in the AA program. And finish that
14 Mill and Cabinet, because that would guarantee you a
15 good job when you get out, because that's what's
16 important is that you stay working and not out
17 shooting dope and stealing things, okay?

18 INMATE HERNANDEZ: Okay.

19 PRESIDING COMMISSIONER VAN COURT: And the
20 Panel recommends that you remain disciplinary free,
21 upgrade vocationally and educationally and participate
22 in self-help and therapy programming. You're doing
23 well, especially staying away from those disciplinary
24 problems. You've done that for five years. We want
25 to make sure now you can do it for seven. Do you have
26 anything to say, Commissioner Koenig?

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 7/22/97

39

1 COMMISSIONER KOENIG: No. Thank you.

2 PRESIDING COMMISSIONER VAN COURT:

3 Commissioner Baker?

4 COMMISSIONER BAKER: No. Thank you.

5 PRESIDING COMMISSIONER VAN COURT: Wish you
6 good luck, partner. Take care.

7 --o0o--

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25 PAROLE DENIED TWO YEARS

26 EFFECTIVE DATE OF THIS DECISION SEP 18 1997

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 7/22/97

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, S. PALMER, a transcriber, subcontracted by PETERS SHORTHAND REPORTING CORPORATION, do hereby declare and certify under penalty of perjury that I have transcribed the tapes which total two in number and cover a total of pages numbered 1 - 39, and which recording was duly recorded at NORTH KERN STATE PRISON, DELANO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HECTOR HERNANDEZ, CDC No. D-33689, on JULY 22, 1997, and that the foregoing pages constitute a true, complete and accurate transcription of the aforementioned tapes to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the Hearing.

Dated September 8, 1997 at Sacramento,
California.



S. Palmer, Transcriber

EXHIBIT

"17"

1 CALIFORNIA BOARD OF PRISON TERMS

2 D E C I S I O N

3 DEPUTY COMMISSIONER FILANGERI: We're back on
4 the record, Mr. Hepburn.

5 PRESIDING COMMISSIONER HEPBURN: All right.
6 Parties have returned to the room. It's 10:46 a.m.
7 Mr. Hernandez, we denied your parole for a two year
8 period. The Panel reviewed all the information
9 received from the public and relied on the following
10 circumstances in concluding that the prison is not
11 suitable for parole and would pose an unreasonable
12 risk of danger to society or a threat to public safety
13 if released from prison. Number one was the
14 commitment offense itself which the Panel finds was
15 carried out in an especially cruel manner, cruel or
16 callous manner. These conclusions are drawn from the
17 Statement of Facts wherein the prisoner went to the
18 home of his drug connection who dealt heroin.
19 Mr. Hernandez had a heroin habit at the time. He went
20 there armed with a sawed-off shotgun, kicked in the
21 door and demanded drugs and shot the victim in the
22 chest with the shotgun, killing him. Regarding his
23 previous record, he did have a significant previous
24 record. On previous occasions, he inflicted or
25 attempted to inflict serious injury on a victim. He
26 had a record of violence or assaultive behavior and an
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 1 12/14/99

1 escalating pattern of criminal conduct or violence.
2 He failed to profit from society's previous attempts
3 to correct his criminality and such attempts included
4 juvenile probation, juvenile camp, CYA and a prior
5 prison term. In fact he had three CYA commitments and
6 one commitment to federal prison and he had a long
7 history of substance abuse, particularly his addiction
8 to heroin which was a factor in the commitment offense
9 itself. Regarding his institutional behavior, he has
10 programmed in a limited manner while incarcerated.
11 He's been fairly disciplinary-free in recent years,
12 however he did have a 115 earlier this year, February
13 of '99 for grooming standards. However a review of
14 that 115 did not indicate any aggravating
15 circumstances involving that. Psychiatric report
16 completed July 1st of '99 by Dr. Reed points out a
17 couple of issues still of concern to the Board. One,
18 there's still a diagnosis of Anti-Social Personality
19 Disorder, however improving. And then it also
20 indicates that probably there is some additional work
21 that needs to be done in the area of the 12 Step
22 program in that Mr. Hernandez's knowledge and
23 application of it is to a certain degree limited at
24 this point. Deputy District Attorney from Fresno
25 County attended the hearing, voice opposition to
26 parole from Mr. Hernandez. And the Panel makes the
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 12/14/99

1 following findings: That the prisoner needs therapy
2 in order to face, discuss, understand and cope with
3 stress in a non-destructive manner. Until progress is
4 made, the prisoner continues to be unpredictable and a
5 threat to others. This is a two year denial as I
6 previously mentioned. In a separate decision the
7 hearing Panel finds that it's not reasonable to expect
8 that parole would be granted at a hearing during the
9 following two years. The specific reasons for this
10 finding are as follows: Number one, the commitment
11 which the Panel finds was carried out in an especially
12 cruel manner. Specifically Mr. Hernandez shot and
13 killed his drug connection in a dispute with a sawed-
14 off shotgun. Also Mr. Hernandez has an extensive
15 history of criminality and misconduct including a long
16 history of arrests going back to the time he was 11
17 years of age, repeated incarcerations in juvenile
18 institutions including three commitments to CYA and
19 one commitment to federal prison. As an adult, he
20 also has a long history of substance abuse, a variety
21 of substances including an addiction to heroin for the
22 last couple of years that he was free prior to his
23 commitment on the life offense. He did have a recent
24 115 this year, although it was not aggravated, but it
25 was a 115 for violating grooming standards. And the
26 recent psychiatric report by Dr. Reed indicates a need
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 12/14/99

1 for a longer period of observation and treatment in a
2 couple of areas. Therefore a longer period of
3 observation or evaluation of the prisoner is required
4 before the Board should find that the prisoner is
5 suitable for parole. And the Panel recommends that
6 the prisoner become disciplinary-free, if available
7 continue to upgrade educationally which he is doing
8 and he should be commended for that and if available,
9 participate in self-help and therapy programming. And
10 that completes the reading of the decision,
11 Mr. Hernandez. Here's a copy. Mr. Ortega, do you
12 have any comments?

13 COMMISSIONER ORTEGA: Nothing.

14 PRESIDING COMMISSIONER HEPBURN: Mr. Filangeri?

15 DEPUTY COMMISSIONER FILANGERI: No, none, thank
16 you.

17 PRESIDING COMMISSIONER HEPBURN: All right.
18 That will complete this hearing then. The time is
19 10:50 a.m. Good luck to you.

20 INMATE HERNANDEZ: May I make a statement?

21 PRESIDING COMMISSIONER HEPBURN: Go ahead.

22 INMATE HERNANDEZ: While I respect your
23 decision-regardless if I don't fully agree with it, I
24 am going to endeavor to comply in every way you know,
25 to bring a satisfactory conditions, eligibility for
26 parole. And excuse me if I speak freely, but it is
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 12/14/99

1 very difficult to do these things and it seems that
2 once I complete them, all these requirements, that
3 I'll probably fly out of here with wings. I'll be
4 pretty much an angel. Otherwise, when I make my
5 decisions, when I'm decided on something, I take under
6 consideration what will be the most good for not only
7 me, but for all involved you know. And there's so
8 much suffering, pain and suffering in not only my
9 life, but my family's life, but in this you know
10 entire country and in our system. And pardon me for
11 saying so, but it appears that (inaudible) somewhat
12 functioning dysfunctionally. But I will do my part to
13 correct and I'm willing to do whatever it is. I would
14 normally request that this Panel and every guest here,
15 person that participated would take into consideration
16 these things and be aware of the condition that our
17 country is in, children killing children and other
18 things and instead of addressing after the fact, after
19 it's been committed, that we would search out for ways
20 of reaching before it comes to that point. And I am
21 willing to do my part and humbly beseeched, request
22 that people would come forward and see a person when
23 they're willing to serve humanity, serve their country
24 and --

25 PRESIDING COMMISSIONER HEPBURN: All right,
26 Mr. Hernandez, thank you for your comments.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 12/14/99

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1 INMATE HERNANDEZ: Thank you for (inaudible) --

2 PRESIDING COMMISSIONER HEPBURN: All right,

3 good luck to you.

4 --o0o--

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25 PAROLE DENIED TWO YEARS

26 EFFECTIVE DATE OF THIS DECISION DEC 30 1999

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 6 12/14/99

EXHIBIT "18"

BOARD OF PRISON TERMS
LIFE PRISONER DECISION FACE SHEET

STATE OF CALIFORNIA

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR

MO

DAY

Adjusted Period of Confinement..

+ 86

12

22

Date Life Term Begins

+

At Large Time.....

=

PAROLE DATE

MISCELLANEOUS

PAROLE DENIED
ONE YEAR

Panel recommendations and requests:

Become

Remain disciplinary free.

Work towards reducing his/her custody level.

Upgrade

vocationally

educationally

Participate

self-help

therapy.

in

(and)

Transfer

Cat. X

Cat. T.

to

PENAL CODE SECTION 3042 NOTICES

X SENT

(Date) 12/14/01

COMMITMENT OFFENSE

187 W/12022.5

MURDER 2ND W/USE F'ARM

(Code Section)

(Title)

3362753

01

(Case Number)

(Count Number)

Date Received by CDC

07/07/86

Date Life Term Begins

12-22-86

Controlling MEPS

08/03/96

Type of Hearing

☐ INITIAL

X SUBSEQUENT (Hearing No.) 3

If Subsequent Hearing, Date of Last Hearing

12-14-99

Department Representative

J.S. LEVORSE, C&PR

Counsel for Prisoner

JOHN MCPHERSON

Address

District Attorney Representative

NO REP.

County

FRESNO

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

y:

residing (Name)

Date

occurring (Name)

Date

occurring (Name)

Date

AME

CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

ERNANDEZ, HECTOR

D33689

CTF

DECEMBER 2001

1-29-02

40

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER RODRIGUEZ: Back on record. All parties are present.

PRESIDING COMMISSIONER ANGELE: This is the matter of Hector Hernandez. Mr. Hernandez, the Panel has reviewed all information received from the public and relied on the following circumstances in concluding that you're not yet suitable for parole and would pose an unreasonable risk of danger to society and threat to public safety if released from prison. The offense was carried out in a violent manner. The offense was carried out in a manner which demonstrates a disregard for human life. Conclusions are drawn from the Statement of Facts wherein the inmate on 8/15, '85 went to the victim's residence, offered a shotgun for the purpose of purchasing heroin. Inmate had been in previous arguments with the victim in regards to money issues and quality issued of the heroin he was buying. An argument ensued and as a result the inmate shot and killed the victim. Inmate did have an escalating pattern of criminal conduct. He's failed to profit from society's previous attempts to correct his criminality which include juvenile probation, juvenile hall, adult probation, CYA commitment,

HECTOR HERNANDEZ D-33689 DECISION PAGE 1 1/29/02

1 county jail, adult probation and a prior federal
2 prison term. Inmate during his incarceration has
3 received 11 128A counseling chronos, last of 6/17 of
4 2000. He's received seven 115s, the last one being
5 2/9, '99 for grooming which means he has had no 115s
6 since his last hearing. The psychological
7 evaluation dated 7/1, '99 by Joe Reed, R-E-E-D, we
8 would consider that as being positive. The prisoner
9 does lack parole plans in that he has no verifiable
10 residential plans in last county of legal residence,
11 however he does have letters indicating that he is
12 going to attempt to find places outside of family
13 residence such as a rehabilitation center and we
14 would commend him for that also. The Panel makes
15 the following finding: Inmate needs additional time
16 in order to fully understand and deal with the
17 causative factors that led to the commitment of the
18 life crime. The prisoner's gains are recent and he
19 must demonstrate an ability to maintain gains over
20 an extended period of time. Nevertheless he should
21 be commended for his work in NA, his 13 week Impact
22 Program of course, his Peer Education and his
23 cumulative disease course. However these positive
24 aspects of his behavior do not outweigh the factors
25 of unsuitability. Mr. Hernandez, denial is for a
26 period of one year. The Panel recommends that you
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 1/29/02

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1 remain disciplinary-free, also become disciplinary-
2 free. The 128s don't do you any good neither,
3 especially the one you had disregarding yard call
4 procedures. I heard what you said about the reason
5 behind it and I do accept part of what you said also
6 but you've still got to do your best to stay away
7 from those also, whatever you can do, and in a
8 misunderstanding like that probably you should have
9 filed a 602 on it, okay. Follow me?

10 INMATE HERNANDEZ: Yes.

11 PRESIDING COMMISSIONER ANGELE: To get it
12 cleaned up for you although I'll be very honest with
13 you. I did not include that in my decision that I
14 made. Commissioner Rodriguez discussed it but it
15 was not part of my decision as far as my rationale.
16 I want you to again become disciplinary-free on the
17 128s and remain disciplinary-free on the 115s and to
18 the same thing you're doing now vocationally,
19 educationally and in self-help therapy programming.
20 I do want to emphasize upon you that it's very very
21 important that you have letters of support from
22 people out there, primarily family people. The
23 significance of what I'm telling you now, you've got
24 to understand you may think it's inconveniencing
25 people. You have brothers, you've got sisters,
26 you've got relatives out there that believe in you.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 1/29/02

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1 Get those letters in here. That's another thing
2 that would help you. The crime you committed, I
3 read -- I took a little bit longer during the recess
4 here to read some more of the crime and I understand
5 how this thing went down. I can understand what
6 probably happened but understand also that you'd
7 gone there in the first place with a shotgun. It
8 gives us an indication that you anticipated some
9 problems. The hearing is conducted based upon what
10 happens at court which means you were found guilty
11 by a jury trial (inaudible) appellate review so
12 that's what we're looking at here. I think you're
13 doing pretty good, you're on the right course, and
14 to be very very honest with you you're a guy that I
15 can see based on the crime that you committed that I
16 could give a date to. You're doing pretty decent
17 and I do wish you good luck. Once again this is for
18 a period of one year and that does conclude the
19 reading of the decision. Commissioner Rodriguez?

20 DEPUTY COMMISSIONER RODRIGUEZ: Yeah,
21 Mr. Hernandez, I want to say briefly we did review
22 the Central File to see that you did get an Olson
23 review which means you got to see your Central File,
24 correct?

25 INMATE HERNANDEZ: Yes, that's correct.

26 DEPUTY COMMISSIONER RODRIGUEZ: When you do

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 1/29/02

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1 that you need to do a thorough review because we
2 cannot give you appropriate credit for having a
3 vocation. Like I said I do see you do have
4 certificates of achievement which are basically
5 components of mill and cabinet. If you do have your
6 certificate of completion as you say you do make
7 sure you get it to your counselor so we can give you
8 appropriate credit, okay. And I want to wish you
9 good luck and I agree with Commissioner Angele. You
10 are on the right track and good luck.

11 INMATE HERNANDEZ: Thank you.

12 PRESIDING COMMISSIONER ANGELE: That does
13 conclude the hearing. Time is approximately 11:08
14 and good luck to you, sir.

15 INMATE HERNANDEZ: Thank you.

16 ATTORNEY MACPHERSON: Are we going to go
17 right into this next hearing?

18 PRESIDING COMMISSIONER ANGELE: Five or ten
19 minutes, yes.

20 --oOo--

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23

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25 PAROLE DENIED ONE YEAR

26 EFFECTIVE DATE OF THIS DECISION

MAR 04 2002

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 1/29/02

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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, DEBBIE OWENS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 44, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HECTOR HERNANDEZ, CDC No. D-33689, on January 29, 2002, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated February 7, 2002 at Sacramento County, California.


Debbie Owens
Transcriber
CAPITOL ELECTRONIC REPORTING

EXHIBIT "19"

BOARD OF PRISON TERMS
LIFE PRISONER DECISION FACE SHEET

STATE OF CALIFORNIA

PERIOD OF CONFINEMENT
(RECORDS OFFICER USE ONLY)

Adjusted Period of Confinement..

Date Life Term Begins

At Large Time.....

PAROLE DATE

YR MO DAY

1986 12 22

+

=

MISCELLANEOUS

1 YR DENIAL

Panel recommendations and requests:

Become ☒ Remain disciplinary free.

Work towards reducing his/her custody level.

Upgrade ☒ vocationally ☒ educationally (cell study)Participate in ☒ self-help (and) ☒ therapy.Transfer to ☐ Cat. X ☐ Cat. T.

PENAL CODE SECTION 3042 NOTICES

☒ SENT

(Date) 12/18/02

COMMITMENT OFFENSE

P187 W/12022.5

(Code Section)

MURDER 2ND W/USE OF FIRE ARM

(Title)

3362753

(Case Number)

01

(Count Number)

Date Received by CDC
7/7/86Date Life Term Begins
12-22-86

Controlling MEPD

8/3/96

Type of Hearing

☐ INITIAL☒ SUBSEQUENT (Hearing No.) #4

If Subsequent Hearing, Date of Last Hearing

01-29-02

Department Representative

J.S. LEVORSE, C&PR

Counsel for Prisoner

DAVID SPOWART

Address

District Attorney Representative

NO REPRESENTATIVE

County

FRESNO

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

by:

Presiding (Name)

Date

Concurring (Name)

Date

Concurring (Name)

Date

NAME

CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

HERNANDEZ, HECTOR

D33689

CTF

1/03

02-20-03

Community Release Board

State of California

LIFE PRISONER: PAROLE CONSIDERATION
PROPOSED DECISION (CRB § 2041)I. ☒ PAROLE DENIED *1 yr*

If this proposed decision denying parole is approved, the Board will send you a copy of the approved decision, including the reasons for denial of parole, within 30 days of the hearing.

II. ☐ PAROLE GRANTED

A. Base Period of Confinement Months

Case No.	Count No.	Offense

B. Firearm Enhancement + Months

C. Other Crimes Total + Months

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

D. Total Term = Months

E. Postconviction Credit From To - Months
(Date) (Date)

F. Total Period of Confinement = Months

The period of confinement indicated is a tentative decision proposed by this panel. The decision will be reviewed pursuant to CRB § 2041, and, if approved, a copy of the approved decision will be sent to you within 30 days, and at that time appropriate pre-prison credits will be applied and a parole release date computed.

You will not engage in any conduct specified in CRB § 2451. Such conduct may result in rescission or postponement of your parole.

III. If the proposed decision denying or granting parole is disapproved, you will receive a copy of the decision and the reasons for disapproval. The proposed decision will have no effect and you will be scheduled for another hearing if necessary.

PANEL HEARING CASE

Name <i>Lozano, R. Munoz</i>	Date <i>2/20/07</i>
Name <i>Castro</i>	Date
Name	Date

NAME	CDC NUMBER	INSTITUTION	HEARING DATE
<i>Hernandez, Hector</i>	<i>D33689</i>	<i>CTF</i>	<i>2-20-07</i>